
STATUTORY INSTRUMENTS

1972 No. 1217

ROAD TRAFFIC

The Motor Vehicles (Third Party Risks) Regulations 1972

<i>Made</i>	- - - -	<i>1st August 1972</i>
<i>Laid before Parliament</i>		<i>15th August 1972</i>
<i>Coming into Operation</i>		<i>1st November 1972</i>

The Secretary of State for the Environment in exercise of his powers under sections 147, 157 and 162 of the Road Traffic Act 1972, and under section 37 of the Vehicles (Excise) Act 1971, as extended by section 153 of the Road Traffic Act 1972, and of all other enabling powers, and after consultation with representative organisations in accordance with the provisions of section 199(2) of the Road Traffic Act 1972, hereby makes the following Regulations:—

Commencement and citation

1. These Regulations shall come into operation on 1st November 1972 and may be cited as the Motor Vehicles (Third Party Risks) Regulations 1972.
2. The Motor Vehicles (Third Party Risks) Regulations 1961(1) and the Motor Vehicles (Third Party Risks) (Amendment) Regulations 1969(2) are hereby revoked.

Temporary use of existing forms

3. Nothing in these Regulations shall affect the validity of any certificate which has been issued before these Regulations came into force in a form prescribed by the Motor Vehicles (Third Party Risks) Regulations 1961, as amended by the Motor Vehicles (Third Party Risks) (Amendment) Regulations 1969, as in force immediately before the coming into operation of these Regulations, and any certificate in such a form may continue to be issued until the expiration of three years from the coming into force of these Regulations.

Interpretation

- 4.—(1) In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:—

“the Act” means the Road Traffic Act 1972;

(1) (1961 II, p. 2967).
(2) (1969 III, p. 5445).

“company” means an authorised insurer within the meaning of Part VI of the Act or a body of persons by whom a security may be given in pursuance of the said Part VI;

“motor vehicle” has the meaning assigned to it by sections 190, 192 and 193 of the Act, but excludes any invalid carriage, tramcar or trolley vehicle to which Part VI of the Act does not apply;

“policy” means a policy of insurance in respect of third party risks arising out of the use of motor vehicles which complies with the requirements of Part VI of the Act and includes a covering note;

“security” means a security in respect of third party risks arising out of the use of motor vehicles which complies with the requirements of Part VI of the Act;

“specified body” means—

- (a) any of the local authorities referred to in paragraph (a) of section 144(2) of the Act; or
- (b) a Passenger Transport Executive established under an order made under section 9 of the Transport Act 1968, or a subsidiary of that Executive, being an Executive or subsidiary to whose vehicles section 144(2)(a) of the Act has been applied; or
- (c) the London Transport Executive or a wholly-owned subsidiary of that Executive referred to in paragraph (e) of section 144(2) of the Act.

(2) Any reference in these Regulations to a certificate in Form A, B, C, D, E or F shall be construed as a reference to a certificate in the form so headed and set out in Part 1 of the Schedule to these Regulations which has been duly made and completed subject to and in accordance with the provisions set out in Part 2 of the said Schedule.

(3) Any reference in these Regulations to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.

(4) The Interpretation Act 1889 shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament, and as if for the purposes of section 38 of that Act these Regulations were an Act of Parliament and the Regulations revoked by Regulation 2 of these Regulations were Acts of Parliament thereby repealed.

Issue of certificates of insurance or security

5.—(1) A company shall issue to every holder of a security or of a policy other than a covering note issued by the company:—

- (a) in the case of a policy or security relating to one or more specified vehicles a certificate of insurance in Form A or a certificate of security in Form D in respect of each such vehicle;
- (b) in the case of a policy or security relating to vehicles other than specified vehicles such number of certificates in Form B or Form D as may be necessary for the purpose of complying with the requirements of section 162(1) of the Act and of these Regulations as to the production of evidence that a motor vehicle is not being driven in contravention of section 143 of the Act:

Provided that where a security is intended to cover the use of more than ten motor vehicles at one time the company by whom it was issued may, subject to the consent of the Secretary of State, issue one certificate only, and where such consent has been given the holder of the security may issue duplicate copies of such certificate duly authenticated by him up to such number and subject to such conditions as the Secretary of State may determine.

(2) Notwithstanding the foregoing provisions of this Regulation, where as respects third party risks a policy or security relating to a specified vehicle extends also to the driving by the holder of other motor vehicles, not being specified vehicles, the certificate may be in Form A or Form D, as the case may be, containing a statement in either case that the policy or security extends to such

driving of other motor vehicles. Where such a certificate is issued by a company they may, and shall in accordance with a demand made to them by the holder, issue to him a further such certificate or a certificate in Form B.

(3) Every policy in the form of a covering note issued by a company shall have printed thereon or on the back thereof a certificate of insurance in Form C.

6. Every certificate of insurance or certificate of security shall be issued not later than four days after the date on which the policy or security to which it relates is issued or renewed.

Production of evidence as alternatives to certificates

7. The following evidence that a motor vehicle is not or was not being driven in contravention of section 143 of the Act may be produced in pursuance of section 162 of the Act as an alternative to the production of a certificate of insurance or a certificate of security:—

(1) a duplicate copy of a certificate of security issued in accordance with the proviso to subparagraph (b) of paragraph (1) of Regulation 5 of these Regulations;

(2) in the case of a motor vehicle of which the owner has for the time being deposited with the Accountant-General of the Supreme Court the sum of fifteen thousand pounds in accordance with the provisions of section 144(1) of the Act, a certificate in Form E signed by the owner of the motor vehicle or by some person authorised by him in that behalf that such sum is on deposit;

(3) in the case of a motor vehicle owned by a specified body, a police authority or the Receiver for the metropolitan police district, a certificate in Form F signed by some person authorised in that behalf by such specified body, police authority or Receiver as the case may be that the said motor vehicle is owned by the said specified body, police authority or Receiver.

8. Any certificate issued in accordance with paragraph (2) or (3) of the preceding Regulation shall be destroyed by the owner of the vehicle to which it relates before the motor vehicle is sold or otherwise disposed of.

Production of evidence of insurance or security on application for excise licences

9.—(1) Any person applying for a vehicle licence under the Vehicles (Excise) Act 1971 shall, except as hereinafter provided and subject to the provisions of Regulation 8 of the Motor Vehicles (International Motor Insurance Card) Regulations 1971(3), produce to the Secretary of State either:—

- (a) a certificate of insurance, certificate of security or duplicate copy of a certificate of security issued in accordance with these Regulations indicating that on the date when the licence comes into operation there will be in force the necessary policy or the necessary security in relation to the user of the motor vehicle by the applicant or by other persons on his order or with his permission and such further evidence as may be necessary to establish that the certificate relates to such user; or
- (b) in the case where the motor vehicle is one of more than ten motor vehicles owned by the same person in respect of which a policy or policies of insurance have been obtained by him from the same authorised insurer, a statement duly authenticated by the authorised insurer to the effect that on the date when the licence becomes operative an insurance policy which complies with Part VI of the Act will be in force in relation to the user of the motor vehicle; or
- (c) evidence that section 143 of the Act does not apply to the motor vehicle at a time when it is being driven under the owner's control, in accordance with the following provisions—

(3) (1971 II, p. 2256).

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- (i) in the case of a motor vehicle of which the owner has for the time being deposited with the Accountant-General of the Supreme Court the sum of fifteen thousand pounds in accordance with the provisions of section 144(1) of the Act, a certificate in Form E signed by the owner of the motor vehicle or by some person authorised by him in that behalf that such sum is on deposit;
- (ii) in the case of a motor vehicle owned by a specified body, a police authority or by the Receiver for the metropolitan police district, a certificate in Form F signed by some person authorised in that behalf by such specified body, police authority or Receiver as the case may be that the vehicle in respect of which the application for a licence is made is owned by the said specified body, police authority or Receiver.

(2) A person engaged in the business of letting motor vehicles on hire shall not, when applying for a licence under the Vehicles (Excise) Act 1971, be required to comply with the provisions of paragraph (1) of this Regulation if the motor vehicle in respect of which the licence is applied for is intended to be used solely for the purpose of being let on hire and driven by the person by whom the motor vehicle is hired or by persons under his control.

Keeping of records by companies

10.—(1) Every company by whom a policy or a security is issued shall keep a record of the following particulars relative thereto and of any certificates issued in connection therewith:—

- (a) the full name and address of the person to whom the policy, security or certificate is issued;
- (b) in the case of a policy relating to one or more specified motor vehicles the registration mark of each such motor vehicle;
- (c) the date on which the policy or security comes into force and the date on which it expires;
- (d) in the case of a policy the conditions subject to which the persons or classes of persons specified in the policy will be indemnified;
- (e) in the case of a security the conditions subject to which the undertaking given by the company under the security will be implemented;

and every such record shall be preserved for one year from the date of expiry of the policy or security.

(2) Every specified body shall keep a record of the motor vehicles owned by them in respect of which a policy or a security has not been obtained, and of any certificates issued by them under these Regulations in respect of such motor vehicles, and of the withdrawal or destruction of any such certificates.

(3) Any person who has deposited and keeps deposited with the Accountant-General of the Supreme Court the sum of fifteen thousand pounds in accordance with the provisions of section 144(1) of the Act shall keep a record of the motor vehicles owned by him and of any certificates issued by him or on his behalf under these Regulations in respect of such motor vehicles and of the withdrawal or destruction of any such certificates.

(4) Any company, specified body or other person by whom records of documents are required by these Regulations to be kept shall without charge furnish to the Secretary of State or to any chief officer of police on request any particulars thereof.

Notification to the Secretary of State of ineffective policies or securities

11. Where to the knowledge of a company a policy or security issued by them ceases to be effective without the consent of the person to whom it was issued, otherwise than by effluxion of time or by reason of his death, the company shall forthwith notify the Secretary of State of the date on which the policy or security ceased to be effective:

Provided that such notification need not be made if the certificate relating to the policy or security has been received by the company from the person to whom the certificate was issued on or before the date on which the policy or security ceases to be effective.

Return of certificates to issuing company

12.—(1) The following provisions shall apply in relation to the transfer of a policy or security with the consent of the holder to any other person:—

- (a) the holder shall, before the policy or security is transferred, return any relative certificates issued for the purposes of these Regulations to the company by whom they were issued; and
- (b) the policy or security shall not be transferred to any other person unless and until the certificates have been so returned or the company are satisfied that the certificates have been lost or destroyed.

(2) In any case where with the consent of the person to whom it was issued a policy or security is suspended or ceases to be effective, otherwise than by effluxion of time, in circumstances in which the provisions of section 147(4) of the Act (relating to the surrender of certificates) do not apply, the holder of the policy or security shall within seven days from the date when it is suspended or ceases to be effective return any relative certificates issued for the purposes of these Regulations to the company by whom they were issued and the company shall not issue a new policy or security to the said holder in respect of the motor vehicle or vehicles to which the said first mentioned policy or security related unless and until the certificates have been returned to the company or the company are satisfied that they have been lost or destroyed.

(3) Where a policy or security is cancelled by mutual consent or by virtue of any provision in the policy or security, any statutory declaration that a certificate has been lost or destroyed made in pursuance of section 147(4) (which requires any such declaration to be made within a period of seven days from the taking effect of the cancellation) shall be delivered forthwith after it has been made to the company by whom the policy was issued or the security given.

(4) The provisions of the last preceding paragraph shall be without prejudice to the provisions of paragraph (c) of subsection (2) of section 149 of the Act as to the effect for the purposes of that subsection of the making of a statutory declaration within the periods therein stated.

Issue of fresh certificates

13. Where any company by whom a certificate of insurance or a certificate of security has been issued are satisfied that the certificate has become defaced or has been lost or destroyed they shall, if they are requested to do so by the person to whom the certificate was issued, issue to him a fresh certificate. In the case of a defaced certificate the company shall not issue a fresh certificate unless the defaced certificate is returned to the company.

Signed by authority of the Secretary of State.

1st August 1972

John Peyton
Minister for Transport Industries
Department of the Environment

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THE SCHEDULE

PART 1

Forms of Certificates

FORM A Certificate of Motor Insurance

FORM B Certificate of Motor Insurance

FORM C Certificate of Motor Insurance

FORM D Certificate of Security

FORM E Certificate of Deposit

FORM F Certificate of Ownership

PART 2

Provisions relating to the forms and completion of certificates

1. Every certificate shall be printed and completed in black on white paper or similar material. This provision shall not apply to any reproduction of a seal or monogram or similar device referred to in paragraph 2 of this Part of this Schedule.

2. No certificate shall contain any advertising matter, either on the face or on the back thereof:

Provided that the name and address of the company by whom a certificate is issued` or a reproduction of the seal of the company or any monogram or similar device of the company, or the name and address of an insurance broker shall not be deemed to be advertising matter for the purposes of this paragraph if it is printed or stamped at the foot or on the back of such certificate.

3. The whole of each form as set out in Part 1 of this Schedule shall in each case appear on the face of the form, the items being in the order so set out and the certification being set out at the end of the form.

4. The particulars to be inserted on the said forms shall so far as possible appear on the face of the form, but where in the case of any of the numbered headings in Forms A, B, or D, this cannot conveniently be done, any part of such particulars may be inserted on the back of the form, provided that their presence on the back is clearly indicated under the relevant heading.

5. The particulars to be inserted on any of the said forms shall not include particulars relating to any exceptions purporting to restrict the insurance under the relevant policy or the operation of the relevant security which are by subsection (1) of section 148 of the Act rendered of no effect as respects the third party liabilities required by sections 145 and 146 of the Act to be covered by a policy or security.

6.—(1) In any case where it is intended that a certificate of insurance, certificate of security or a covering note shall be effective not only in Great Britain, but also in any of the following territories, that is to say Northern Ireland, the Isle of Man, the Island of Guernsey, the Island of Jersey or the Island of Alderney, Forms A, B, C and D may be modified by the addition thereto, where necessary, of a reference to the relevant legal provisions of such of those territories as may be appropriate.

(2) A certificate of insurance or a certificate of security may contain either on the face or on the back of the certificate a statement as to whether or not the policy or security to which it relates satisfies the requirements of the relevant law in any of the territories referred to in this paragraph.

7. Every certificate of insurance or certificate of security shall be duly authenticated by or on behalf of the company by whom it is issued.

8. A certificate in Form F issued by a subsidiary of a Passenger Transport Executive or by a wholly-owned subsidiary of the London Transport Executive shall indicate under the signature that the issuing body is such a subsidiary of an Executive, which shall there be specified.

EXPLANATORY NOTE

These Regulations consolidate with amendments the Regulations revoked by Regulation 2. The Regulations relate to the issue of certificates of insurance or security (Regulations 5 and 6 and the Schedule), evidence which may be produced to show that a motor vehicle is not being driven in contravention of the compulsory third party insurance requirements (Regulation 7), the duty to destroy certain certificates (Regulation 8), the production of evidence of insurance or security on application for a vehicle excise licence (Regulation 9), the keeping of records by insurance companies and certain other persons relating to certificates (Regulation 10), the notification to the Secretary of State of ineffective policies or securities (Regulation 11), the duty to return certificates to the issuing company (Regulation 12), and the issue of fresh certificates (Regulation 13). The amendments are for the most part of a minor character and include the following:—

- (a) references to enactments are brought up to date;
- (b) the evidence specified in Regulation 7 is no longer restricted to being produced by the driver of a motor vehicle in pursuance of section 162 of the Road Traffic Act 1972;
- (c) the evidence which may be required from a person applying for a licence for a motor vehicle is extended in the case when he presents a certificate of insurance or security to such further evidence as may be necessary to connect the certificate to the applicant and his vehicle;
- (d) an explanatory note is added to some of the prescribed certificates making it clear that they do not contain a full summary of the policy or security; and
- (e) reference in certificates to specific enactments is no longer required.